

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

| TITLE OF CASE | ATTORNEYS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|----------|---------------------|---------------------|-------|-------|----------------------|-------|---------|----------|------|--|--|--|---------|---------|--|------|--|--|---------|--------|-----|--|----------------------|---------|----------|--------------|--|------|--|------------|--|--|--|--|--|--------------|--|--|--|--|------------------|-------------|--|--|--|--|---|
| <p>NATIONAL TRAILER CONVOY, INC., Plaintiff, MORGAN DRIVE AWAY, INC. (Intervening Pltff.) & TRANSIT HOMES, INC. (Intervenine Pltff) vs. INTERSTATE COMMERCE COMMISSION, UNITED STATES OF AMERICA, CHANDLER TRAILER CONVOY INC., Defendants.</p> <p><u>Counsel for Intervenors (Morgan)</u> William J. Lippman Pat Malloy Singer & Lippman Thurston Natl. Bldg. 1819 H Street, N.W. Tulsa, Oklahoma Washington, D. C. 20006 583-0301 202 466-8065</p> <p><u>Addtl. Counsel for Defendants</u> John H. D. Wigger Dept. of Justice Washington, D.C. 20530 202 739-2435 James Jones (Chandler) Center Bldg. Tulsa, Oklahoma Holliman, Langholz, Runnels & Dorwart 2700 Fourth Natl. Bldg. Tulsa, Oklahoma 74119</p> | <p>For plaintiff: Charles Baker (Natl. Trailer Convoy) 2010 Fourth Natl. Bldg. Tulsa, Oklahoma 74119 Fred Rahal, Jr. 1925 National Plaza Tulsa, Okla. 74151 838-1585 William J. Grove & Leonard Jaskiewicz 1730 M St. N.W. Washington, D.C. 20036 202 296-2900</p> <p>For defendant: Sam P. Daniel, Jr. & Lawrence T. Chambers, Jr. (Chandler) 1200 Atlas Life Bldg. Tulsa, Oklahoma 74103 585-5541 Harold G. Hernly (Chandler) The Circle Bldg. 2030 N. Adams St. Arlington, Virginia 22201 703 525-8501 Nathan G. Graham 460 U. S. Courthouse Tulsa, Oklahoma 74103 Seymour Glanzer - 202 343-7733 Interstate Commerce Commission Washington, D. C. 20423</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">STATISTICAL RECORD</th> <th style="width: 20%;">COSTS</th> <th style="width: 10%;">DATE</th> <th style="width: 20%;">NAME OR RECEIPT NO.</th> <th style="width: 10%;">REC.</th> <th style="width: 10%;">DISB.</th> </tr> </thead> <tbody> <tr> <td>J.S. 5 mailed 8-1-72</td> <td>Clerk</td> <td>7/13/72</td> <td>R. Gable</td> <td>1500</td> <td></td> </tr> <tr> <td></td> <td></td> <td>7/20/72</td> <td>CD No.4</td> <td></td> <td>1500</td> </tr> <tr> <td></td> <td></td> <td>10/4/73</td> <td>Malloy</td> <td>500</td> <td></td> </tr> <tr> <td>J.S. 6 mailed 9-1-73</td> <td>Marshal</td> <td>10/11-73</td> <td>C. D. No. 12</td> <td></td> <td>5 00</td> </tr> <tr> <td>Basis of Action: For Inter- locutory & Permanent Injunctions</td> <td>Docket fee</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>Witness fees</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Action arose at:</td> <td>Depositions</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> | STATISTICAL RECORD | COSTS | DATE | NAME OR RECEIPT NO. | REC. | DISB. | J.S. 5 mailed 8-1-72 | Clerk | 7/13/72 | R. Gable | 1500 | | | | 7/20/72 | CD No.4 | | 1500 | | | 10/4/73 | Malloy | 500 | | J.S. 6 mailed 9-1-73 | Marshal | 10/11-73 | C. D. No. 12 | | 5 00 | Basis of Action: For Inter- locutory & Permanent Injunctions | Docket fee | | | | | | Witness fees | | | | | Action arose at: | Depositions | | | | | <p><u>Counsel for Intervenors (Transit)</u> Wilmer B. Hill Ames, Hill and Ames 805 McLachlen Bank Bldg. 666 11th St., N.W. Washington, D. C. 20001 Carl D. Hall, Jr. Hall & Sublett NBT Bldg. Tulsa, Oklahoma 74103</p> |
| STATISTICAL RECORD | COSTS | DATE | NAME OR RECEIPT NO. | REC. | DISB. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| J.S. 5 mailed 8-1-72 | Clerk | 7/13/72 | R. Gable | 1500 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 7/20/72 | CD No.4 | | 1500 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 10/4/73 | Malloy | 500 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| J.S. 6 mailed 9-1-73 | Marshal | 10/11-73 | C. D. No. 12 | | 5 00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Basis of Action: For Inter- locutory & Permanent Injunctions | Docket fee | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Witness fees | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date:

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| TITLE OF CASE | | ATTORNEYS | | | |
|--|--------------|--|---------------------------------------|-------|-------|
| NATIONAL TRAILER CONVOY, INC., Plaintiff, MORGAN DRIVE AWAY, INC. (Intervening Pltff.) & TRANSIT HOMES, INC. (Intervening Pltff) vs. <i>Wilmmer B. Hill</i> <i>Carl D. Hall, Jr.</i> | | For plaintiff: Charles Baker Richard W. Gable -Ntl. Trailer Con. 2010 Fourth National Bank Bldg. Tulsa, Okla. 74119 Fred Rahal, Jr. <i>838-1585</i> 1925 National Plaza Tulsa, Okla. 74151 William J. Grove <i>296-2900</i> 1730 M Street, N.W. Washington, D. C. 20036 Leonard A. Jaskiewicz Grove, Jaskiewicz, and Gilliam 1730 M Street, N.W. Washington, D. C. 20036 <i>(202 296-7700)</i> | | | |
| INTERSTATE COMMERCE COMMISSION, UNITED STATES OF AMERICA, CHANDLER TRAILER CONVOY, INC., Defendants. | | For defendant: Sam P. Daniel, Jr. and Lawrence T. Chambers, Jr. (Chandler) 1200 Atlas Life Building <i>585-5541</i> Tulsa, Okla. 74103 Harold G. Hernly (Chandler) The Circle Building 2030 N. Adams St. <i>703 525-8501</i> Arlington, Virginia 22201 Nathan G. Graham 460 U. S. Courthouse Tulsa, Okla. 74103 Seymour Glanzer <i>202 343-7733</i> Interstate Commerce Commission Washington, D. C. 20423 | | | |
| Counsel for Intervenor: <i>(Morgan)</i> Richard W. Gable (see above address) & William J. Lippman Pat Malloy Singer & Lippman Thurston Natl. Bldg. 1819 H Street, N.W. Tulsa 74103 Wash., D. C. 20006 <i>583-0301</i> <i>202 466-8065</i> | | | | | |
| Addit. Counsel for defts.: John H. D. Wigger <i>739-2435</i> Dept. of Justice <i>426-7215</i> Washington, D. C. 20530 <i>202</i> Mrs. Jones (Chandler) Center Bldg., Tulsa, Okla. Holliman, Langholz, Runnels & Dorwart 2700 Fourth Natl. Bldg., Tulsa 74119 | | | | | |
| STATISTICAL RECORD | COSTS | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
| J.S. 5 mailed <i>8-1-72</i> | Clerk | 7-13-72 | R. Gable | 15.00 | |
| | | 7-20-72 | C.D.No.4 | | 15 00 |
| | | 10-4-73 | Malloy | 5 00 | |
| J.S. 6 mailed <i>9-1-73</i> | Marshal | | Adm. Counsel for Intervenor (Transit) | | |
| Basis of Action: For Interlocutory & Permanent Injunctions. | Docket fee | | Wilmer B. Hill | | |
| | Witness fees | | Ames, Hill and Ames | | |
| | Depositions | | 805 McLachlen Bnk Bldg | | |
| | | | 666 11th St., N.W., Wash, D.C. | | 20001 |
| | | | Carl D. Hall, Jr. | | |
| | | | Hall & Sublett | | |
| | | | NBT Bldg., Tulsa 74103 | | |

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|---------|--|------------------------------|
| 7-13-72 | Complaint for Interlocutory and Permanent Injunctions and Application for Three-Judge Court, filed. v | |
| 7-13-72 | Motion of the Plaintiff for Temporary Restraining Order, filed. v(with brief) | |
| 7-13-72 | Temporary restraining order, filed, restraining defts. USA and Interstate Commerce Commission; also restraining deft. Chandler Trailer Convoy, Inc.; & that order shall remain in effect until a determination by a 3-judge court of pltf's motion for interlocutory injunction or until further order of court. (FD for AEB)hm Summons issued on complaint & TRO. | |
| 7-20-72 | Order, filed, directing a 3-judge court consisting of Honorable William J. Holloway, Jr., Honorable Luther L. Bohanon and Honorable Allen E. Barrow. (David T. Lewis, Chief Judge, USCA, 10th Ct.)(Separate files mailed to 3 judges)hm | |
| 7-21-72 | Marshal's return of service of mo. for TRO, TRO and summons, filed. Served J. K. McIntyre, Service Agent for Chandler Trailer Convoy, Inc. in Okla. City on 7/17/72; served U.S.A. and Interstate Commerce Com. by serving Nathan Graham, and by mailing copies to Atty. Gen. on 7/14/72 (USM \$15.68) rm | |
| 7-24-72 | Motion of def., Chandler Trailer Convoy, Inc., to dissolve temporary restraining order, with brief in support thereof, filed.rm (copies to 3 judges) | |
| 7-24-72 | Ordered that plaintiffs are granted 10 days in which to respond to def. Chandler Trailer Convoy's motion to dissolve temporary restraining order. (AEB-J)rm - ltr. written | |
| 7-27-72 | Joint memorandum of USA and the Interstate Commerce Commission in support of defendant's (Chandler Trailer Convoy, Inc.) motion to dissolve temporary restraining order, filed. ds | |
| 8-2-72 | Pltf's response in opposition to the motion to dissolve TRO, filed. hm | |
| 8-2-72 | Pltf's memorandum in support of response in opposition to motion to dissolve TRO, filed. hm | |
| 8-2-72 | Motion of Morgan Drive Away, Inc. for leave to intervene as a party pltf., filed. hm | |
| 8-7-72 | It is ordered that this case is set for hearing on motion to dissolve ex parte TRO or in the alternative surety bond, on Wednesday, August 91 1972 at 3:00 P.M.(AEB-J)h | |
| 8-8-72 | Response of def. Chandler Trailer in opposition to mo. of Morgan Drive Away for leave to intervene as pty pltf., with brief in support thereof, filed. rm - copies to 3 judges. | |
| 8-9-72 | Hearing held on motion to dissolve ex parte TRO/ or in the alternative, Surety bond, arguments made, Intervenor's request to file Affidavit or Irvin Tull under advisement. Intervening Plaintiff (Charles Baker) tenders into the case; , <u>Supplemental Complaint for Interlocutory and Permanent Injunction and Application for 3-Judge Ct.</u> Charles Baker offers photostats of other cases relating to this case.(to Marilyn) Motion to dissolve ex parte TRO, or in the alternative, Surety Bond, hereby taken under advisement by the court.(AEB-J)h | |

(next page)

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|---------|---|------------------------------|
| 8-11-72 | & entered Order filed/that the ex parte TRO is dissolved; that the affidavit of Irvin Tull be admitted; and that Morgan Drive Away, Inc., be allowed to Intervene. It is the intent of this court to convene the 3 Judge court at an early date for a hearing on the merits.(AEB-J)h | |
| 8-11-72 | Affidavit of Irvin Tull filed. h Memo. of interv. pltf. Morgan Drive Away in opposition to mot. of deft. Chandler Trailer Convoy to dissolve temp. restraining order, filed. g | |
| 8-11-72 | Supplemental Complaint for Interlocutory and permanent injunctions and application for Three-Judge Court filed. h | |
| 8-17-72 | Mo. of pltf. for immediate convening of 3-judge panel to hear appl. for interlocutory injunction, filed. rm | |
| 8-18-72 | Memo. brief in support of above mo. for convening panel, filed. rm | |
| 8-22-72 | Entry of appearance by Pat Malloy, for Morgan Drive Away, filed. rm | |
| 8-22-72 | It is Ordered that parties are directed to file simultaneous briefs within 20 days of this date. Parties are directed to file simultaneous rebuttal briefs 10 days thereafter. (AEB-J) js | |
| 8-23-72 | It is Ordered that plaintiff institute pre-trial proceedings in this case within two weeks of this date (said pre-trial to be held by the parties outside the Court) and file pre-trial order 5 days thereafter. (AEB-J). js | |
| 8-24-72 | Appl. of Charles C. Baker to withdraw entry of appearance on behalf of Morgan Drive Away, filed. rm - order to J. | |
| 8-28-72 | Case set for hearing on interlocutory injunction 9-8-72 at 10:00 A.M. Ordered that after the hearing, Pltf. & Intervenor will have 20 days to file briefs; deft's brief to be filed 20 days thereafter & Pltf's and Intervenor's reply brief to be filed 10 days thereafter. (AEB-J)hm (Letter written to parties) | |
| 8-29-72 | It is ordered by the Court that the hearing on ^{above} preliminary injunction be consolidated with hearing on ^{last} permanent injunction on merits. Briefing will be as heretofore ^{last} ordered and briefs will be studied by the Court after the hearing. (AEB-J)v | |
| 8-29-72 | Order, filed, that Charles C. Baker is granted leave to withdraw as counsel for intervening pltf., Morgan Drive Away. (AEB-J)rm-copies mailed | |
| 9-5-72 | Motion of Transit Homes, Inc. for leave to intervene, w/brief in support thereof, filed. rm - copies to Judges | |
| 9-5-72 | Joint Answer of the U.S.A. & Interstate Commerce Commission, filed. v | |
| 9-5-72 | Answer of def. Chandler Trailer, filed. rm - copies to Judges | |
| 9-8-72 | Hearing held on motions. Motion of Transit Homes, Inc., to intervene is granted without prejudice with no objections by parties. Arguments made by parties. Memo of points to be raised on oral arguments on the merits filed by Intervenor Morgan. Affidavit of Wm. H. Kay filed by Intervenor Transit and admitted by court. Arguments made on both sides. Decision on preliminary injunction taken under advisement. (Judges Holloway, Barrow and Bohanon-Judges)h | |

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| 9-8-72 | Order allowing Transit Homes, Inc. to intervene as a plaintiff filed. | (AEB-J)h |
| 9-8-72 | Complaint in intervention of Transit Homes, Inc. filed.h | |
| 9-22-72 | Joint answer of USA and ICC to complaint of intervenor, Transit Homes, Inc., filed.g | |
| 9-22-72 | Joint answer of USA and ICC to supplemental complaint of intervenor, Morgan Drive Away, Inc., filed. g | |
| 9-27-72 | Initial brief of intervening plaintiff Transit Homes, Inc., filed. | |
| 9-27-72 | Answer of Chandler Trailer Convoy, Inc., to the Complaint of Intervenor, Transit Homes, Inc., filed. v | |
| 9-28-72 | Brief of intervening plaintiff Morgan Drive Away, Inc., filed. g | |
| 9-28-72 | Brief of National Trailer in support of complaint, filed. rm | |
| 10-2-72 | Order filed and entered that the application of plaintiff and intervenors for a preliminary injunction denied. (Wm J. Holloway, Jr. and Allen E. Barrow) (Judge Bohanon dissents)h Proposed order of J. Bohanon attached.h | |
| 10-6-72 | NUNC PRO TUNC MINUTE ORDER. Ordered that page four (4) of the Order entered October 2, 1972 is amended, in part, by deleting the word "not" in the third line of the first paragraph on page four. The sentence, as amended, will read "However, again we note that a detailed statement of evidentiary facts does appear in the reports in our papers." (AEB-J)rm - ltr. written w/copy of amended order sent to all parties and judges. | |
| 10-16-72 | Reporter's transcript of proceedings had on Sept. 8, 1972, Motion of Transit Homes, Inc. to Intervene AND Consolidated hearing on Interlocutory Injunction AND Permanent injunction on the merits, filed. (letter written to judges) | |
| 10-17-72 | Defts' Appl for enlargement of time to 10-20-72, filed. r | |
| 10-18-72 | Reply Brief of Deft. Chandler Trailer Convoy, Inc., filed. v | |
| 10-19-72 | Order granting defendants an enlargement of time to file brief as directed by Court's order of 9-28-72, to and including 10-20-72, filed. (AEB-J) ds | |
| 10-24-72 | Joint brief of the U. S. A. and the Interstate Commerce Commission, filed. ds | |
| 10-26-72 | Application of plaintiff and intervenor for enlargement of time to 11-6-72 to file briefs, filed. ds order to Judge Barrow | |
| 10-26-72 | Order filed, granting Pltf. & Intervenor, Morgan Drive Away, Inc., an ext to 11-6-72, in which to file reply briefs, filed. (AEB-H)r (Copies mailed) | |
| 11-1-72 | Reply brief of intervening pltf. Transit Homes, Inc., filed. hm (copies to 3 judges) | |

- Rocked Continued. -

D. C. 110A Rev. Civil Docket Continuation

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
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| 11-6-72 | Reply Brief of National Trailer Convoy, Inc., filed. v | |
| 11-6-72 | Reply Brief of Intervening Plaintiff, Morgan Drive Away, Inc., filed. v | |
| 11-7-72 | Certified transcript of proceedings (Nos. 1 thru 9) before Interstate Commerce Commission, filed. (In 4 green boxes in vault.)g | |
| 11-9-72 | Ordered by the Court that the reply brief of Morgan Drive Away, Inc., is amended to conform with the letter of Mr. Pat Malloy dated 11-7-72. (AEB-J)hm (letters to Judges & parties) | |
| 8-31-73 | Memorandum Opinion and Order of Hon. Wm. J. Holloway, Jr., U. S. Circuit Judge, and Hon. Allen E. Barrow, Chief Judge, filed & entered. Ordered that all relief should be & is denied & the action is dismissed. (WJH-J, AEB-J)v | |
| 8-31-73 | Dissenting Memorandum Opinion filed & entered, that the certificate issued should not become effective & the appl. of pltf. & Intervenor for Interlocutory Injunction be granted, & that this case be remanded to I.C.C., for reconsideration. (LB-J)v | |
| 9-13-73 | Notice of Entry of Jgmt., filed. Hearing set for 10-3-73.jj | |
| 9-18-73 | Ltr. from Clerk to Counsel advising Court's decline of entry of addl. jgmt., filed. jj | |
| 10-4-73 | Notice of appeal by Morgan Drive Away, Inc. to Supreme Court, filed.g (copies to all parties by counsel) | |
| 10-16-73 | Request of Morgan Drive Away for certification for transmission of record to US Supreme Court, filed. rm | |
| 11-20-73 | Appeal record (8 vols.) sent to Supreme Ct. of U.S. g | |
| 6-14-74 | Mandate of Supreme Court affirming judgment of 8-31-73, filed and spread of record. g | |
| 11-15- | Original record on appeal (8 vols) received from Supreme Ct. rm | |

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